

Licensing Committee

Tuesday, 23rd July, 2013

PRESENT: Councillor R Charlwood in the Chair

Councillors K Bruce, N Buckley, R Downes,
B Gettings, T Hanley, M Harland,
G Hussain, G Hyde, A Khan, P Latty,
B Selby, C Townsley and G Wilkinson

22 Exempt Information - Possible Exclusion of the Press and Public

RESOLVED – That, the public be excluded from that part of the meeting where consideration is given to that part of the agenda designated as exempt on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present there would be disclosure to them of exempt information so designated. Appendix A of the report entitled ‘Late Night Levy’ (Minute No 27 refers) is designated as exempt in accordance with paragraphs 10.4 (3,7) of Schedule 12A(3) of the Local Government Act 1972 on the grounds that it contains information relating to the financial or business affairs of any particular person (including the authority holding that information) and information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime. As such, on this occasion, it is deemed that the benefit of keeping the information confidential is greater than that of allowing public access to it.

23 Declaration of Disclosable Pecuniary Interests

There were no declarations of interest

24 Apologies for Absence

Apologies for absence were received from Councillor Dunn

25 Minutes

RESOLVED – That the minutes of the previous meeting held on 25th June 2013 be agreed as a correct record

26 Application for a Motor Tricycle to be included on the Approved List of vehicles licensed as "Novelty" Private Hire vehicles

The Head of Licensing and Registration submitted a report on an application received for a motor tricycle to be included on the Approved List of vehicles licensed as “novelty” Private Hire vehicles. The report set out the relevant legislation and proposals for appropriate pre-conditions and conditions upon the grant of a licence for a Private Hire vehicle, Private Hire Operator and Private Hire driver. Responses received to the consultation undertaken on the application were contained at Appendix I of the report.

Members of the Committee had the opportunity to view the vehicle type prior to the meeting. The Committee discussed matters relating to the suitability and safety of the vehicle, particularly the proposed restrictions to the hours of

use of the vehicle in Leeds City Centre due to concerns regarding the suitability of the vehicle in the night time economy. Members received assurances that this vehicle was intended for use for pre-booked tourist runs, and not for standard private hire journeys.

RESOLVED -

- a) That having considered all the elements of the vehicle application, the observations of Officers and the appropriateness of the proposed policy, pre-conditions and conditions measured against the legal requirements of Section 48 of the Local Government (Miscellaneous Provisions) Act 1976; Members determined to approve the application to issue a Private Hire motor tricycle licence
- b) Members determined that the legislative test of 'suitable in type, size and design for use as a Private Hire vehicle and safe' within the Act is only met in respect of this vehicles' proposed usage as presented to the Council in this application. The vehicle and Operator licence approval will not extend to the use of the vehicle in the context of standard Private Hire bookings or in the city centre or the night time economy.
- c) Having approved the application; Members considered and approved the pre-conditions to licensing such a vehicle and the Private Hire vehicle conditions placed upon that licence as set out in Appendix E of the submitted report
- d) Having approved the application; Members considered and approved the proposed pre-conditions attached to the grant of an Operator licence and approve the Private Hire Operator conditions placed upon that licence as set out in Appendix F of the submitted report
- e) Having approved the application; Members considered and approved the Private Hire driver conditions as set out in Appendix H of the submitted report
- f) Having approved the pre-conditions and conditions necessary for the licensing of such a vehicle, Operator and driver; Members then determined that the policy should be returned to Licensing Committee in 5 years' time for review.
- g) That the proposed generic policy in respect of 'Novelty Vehicle' (which would apply to this application) be approved in principal and Officers be directed to prepare a report for the consideration by the Executive to approve these policies as detailed in Appendix J of the submitted report

27 Late Night Levy

The Head of Licensing and Registration submitted a report on the Late Night Levy, introduced in the Police Reform and Social Responsibility Act 2011 to allow licensing authorities to charge a Levy to persons who are licensed to sell alcohol late at night in the authority's area as a means of raising financial contribution towards the costs of policing the late-night economy. The report presented information to enable the Licensing Committee to make decisions relating to the design of a potential late night Levy.

The Committee had previously established a Working Group (WG) to consider the current Statement of Licensing Policy and the implementation of a Late Night Levy. The findings of the WG were included in the report, which concluded that, subject to reaching agreement with West Yorkshire Police on how the money raised would be spent on improving the late night economy in the Leeds district, a Levy could be of benefit to Leeds and the design of such a Levy should be explored further

Chief Inspector S Palmer and Sergeant R Fullilove attended the meeting on behalf of West Yorkshire Police to discuss those matters contained within Appendix 1 of the report.

(Councillor Khan withdrew for a short while at this point and Councillor Gettings left the meeting)

Additionally, the Committee commented on the following matters:

- The conclusion of the WG that 00:30 until 06:00 hours would be the appropriate time-frame for a Levy in Leeds
- The good working relationships already established between WYP and city centre licensed premises and the impact of a Levy on existing voluntary schemes supported by those premises (such as the taxi marshalling and street wardens schemes)
- the governance arrangements for the implementation of the Late Night Levy, particularly the mechanism for overseeing the spending of the Levy

RESOLVED

- a) That the Licensing Committee note and approve the conclusion of the Working Group that a Levy may be of benefit to the district and should be considered further
- b) That the information presented in the submitted report and the comments made by Members be noted in respect of the potential design for a Levy which would include:
 - The late night supply period
 - Exemptions and reductions to be offered
 - The proportion to be offered to the Police
- c) To note that, having considered the two options put forward by the Working Group, the Licensing Committee preferred Option B as outlined in paragraph 3:36 of the submitted report
- d) That the matter now be referred to the Executive so that the design of and consultation on the Levy can be approved and that the consultation with affected parties may begin.
- e) To note that a final decision on whether to implement the Levy, the design of the Levy and the start date for implementation will be made after the conclusion of the consultation; having regard to the costs of policing and other arrangements for the reduction or prevention of crime and disorder in connection with the supply of alcohol between midnight and 6am.
- f) To receive a report back in due course on the outcome of discussions regarding the governance arrangements for the implementation of the Late Night Levy, particularly the mechanism for overseeing the spending of the Levy

28 Licensing Authority Consultation Response - the Leeds Site Allocations Plan

The Head of Licensing and Registration submitted a report on the consultation being undertaken by the Council on the Leeds Site Allocations Plan, seeking comments from the Committee in order to inform the response of the Licensing Authority to those parts of the Plan relevant to the remit of the Committee

A copy of the full Leeds SAP had been made available to all Members of Council some time ago, and Members of the Committee had previously received a briefing on the pertinent parts of the document. Included at Appendix A was a copy of the draft response of the Licensing Authority for the Committee to comment on

RESOLVED - That the contents of the report, Appendix and comments made by Members be noted and be included as the Licensing Authority response to the Site Allocations Plan consultation

29 Update on applications received under the Licensing Act 2003 and Gambling Act 2005 between January and May 2013

The Head of Licensing and Registration submitted a report providing an update on the applications received by the Entertainment Licensing Section under both the Licensing Act 2003 and the Gambling Act 2005 for new Premises Licences and variations to existing Licences

The report detailed the number and nature of applications received and processed by the Section, and highlighted the Temporary Event Notice applications. Members noted a reduction in the number of applications requiring consideration by a Sub Committee hearing; which could be attributed to the multi-agency approach now taken during the early part of the application process. It was also reported that the LGA had identified Leeds as a "best practice" authority in terms of engagement in the public health arena.

(Councillor Downes left the meeting at this point)

Additionally, comments made in respect of the proliferation of shisha bars in vacant premises were noted, and officers noted a request for a report to be presented to a future meeting on the powers available to the Authority to deal with such premises.

RESOLVED –

- a) That the contents of the report and the comments made by Members be noted
- b) To note the intention to present a report on the powers available to the local authority to deal with shisha bars to a future meeting

30 Update on Enforcement Activity (January to June 2013) Entertainment Licensing Liaison and Enforcement Team

The Committee considered the report of the Head of Licensing and Registration providing an update on the activities of the Entertainment Licensing Section Liaison and Enforcement Team during the period January to June 2013 which highlighted the success of partnership working and joint

operations undertaken, the new powers in respect of the scrap metal trade and new powers for the licensing authority to make formal representations to applications

In responding to a query about a specific premise in Leeds 8, it was agreed that officers would report directly to the ward Member

RESOLVED – That the contents of the report and the comments made by Members be noted

31 Licensing Work Programme

RESOLVED – That, subject to inclusion of those additional matters identified at this meeting, the contents of the Licensing Work programme be noted

32 Date and Time of Next Meeting

RESOLVED - To note the date and time of the next meeting as Tuesday 13th August 2013 at 10:00 am